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REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed March 5, 2008. The deadline for responding has been extended to July 7, 2008 by a request for an extension of time made herewith.

**I. Introduction**

Claims 15-16, 24 and 27 have been canceled without prejudice. Accordingly, claims 1-14, 17-23, 25-26 and 28-35 are now pending in the application.

Original claims 1-35 were rejected in the office action as being unpatentable under 35 USC §103 over Joao (US 2002/0032583). Each of the independent claims has been amended. As amended, none of the claims are anticipated or rendered obvious by the applied reference.

**II. The Rejections under §103 have Been Overcome****1. The Present Invention**

The present invention is directed to a novel portable device and method of operating such a device. The portable device, in some exemplary embodiments, is implemented as a display free device, such as a smart card which is capable of storing information and implementing access restrictions to prevent an external device or party getting unauthorized access to information. The information stored securely on the portable device may correspond to a group, e.g., multiple individuals in a household. In various embodiments device includes a memory for storing the information, a device interface through which external devices may

access stored information and security means to restrict access to the stored information. The security means is part of the portable device, e.g., smart card. Since the security means limits access via the interface to access which is in accordance with various access restrictions, access to restricted information is denied unless the access restraints corresponding to the entity attempting to obtain access are satisfied. Since the information secured in the device is not passed over the interface and remains within the device unless the access requirements are satisfied, the information is not made available to unauthorized devices or entities. Thus, the onboard access control and restricted access approach has considerable advantages to other approaches where an external device can get access to the restricted information, e.g., in encrypted form. As can be appreciated, giving access to data even if it is in encrypted form provides the accessing party an opportunity to attempt to perform unauthorized decryption which may succeed with sufficient attempts whereas denying access to the information provides a higher level of security.

As discussed in the application, in accordance with some aspects of the invention, different members of a group may be provided with different levels of access to secure information, e.g., with the head of the group being allowed greater access than individual members of the group. For example the head of a household may be allowed access to all the individual household member's information which ordinary household members may be limited to accessing the data corresponding only to themselves.

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The portable data storage device which may be implemented as a smart card, is particularly well suited for use in communicating medical records and/or other information corresponding to a household allowing for an authorized party to whom the device is presented to access the stored information via the interface without the need to contact a remote device, central computer or other on-line computer system. Thus, the portable data storage device allows for communication of medical records and/or other information in an "off-line" manner, e.g., without the need for access to a central information database.

**2. The Pending Claims are Patentable  
Over the Applied Reference**

Claims 1-35 stand rejected under §103(a) in view of Joao patent publication. The Joao patent publication describes a system 100 which includes a plurality of elements including a patient communication device 40, a provide communication device 20, a central processing computer 10 and a payer communication device 30. The application appears to refer the system 100 as an "apparatus". The applied reference states:

"The apparatus of the present invention includes a central processing computer or central processing computer system ... the healthcare provide computer(s) can communicate with, and operate in conjunction with, the central processing computer ... The apparatus can also include a healthcare payer communication device ... The apparatus can also include a patient or individual user communication device or computer ..." (See paragraphs 0016-0018)

It should be appreciated that the reference is clearly describing a system with a central processing computer or system. While the Examiner seems to rely on the central processing computer 10, to reject the claims, it is respectfully submitted that the central processing system 10 is clearly not something that one of ordinary skill in the art would consider as implementing as a portable device. The central processing computer 10 stores information for potentially all of the participants in the healthcare field (See paragraph 0015). Accordingly, it is respectfully submitted that central processing computer 10 does not anticipate or render obvious the portable communications device recited in, for example, claim 1 or the method of operating a portable communications device recited in, for example claim 17.

To the extent that the Examiner may attempt to equate the patient communication device 40 to the portable communications device recited in various pending claims, it is respectfully submitted that the patient communications device 40 does not anticipate or render obvious various claimed features. In particular with regard to exemplary claim 1 there is nothing that suggests storing of group information in a portable communications device which includes:

a device interface for providing an external device access to information stored in said memory; and

a security module for limiting access to the stored information via said device interface in accordance with the access control information included in said memory.

Note that as discussed above, the security module limits access to the stored information so that an authorized device or user does not get access to the stored information, even in encrypted form, which it is not authorized to access. Such an approach through the use of an on-board security module which limits access via the device interface is not taught or suggested by the applied reference.

Applicant further notes with regard to dependent claim 2, that there is nothing in the applied reference that suggests implementation of the portable device recited in the pending claims as a display free device. Note that in each of Figures 2-6 which show various components of the system 100, a display device is included. For example, the patient communication device 40 shown in figure 5 includes a display device 40E.

Accordingly, dependent claim 2 is patentable for this additional reason as well.

With regard to claim 3, Applicant respectfully submits that the Joao patent publication fails to suggest implementing a portable device with the security features, e.g., a security module included in the portable device, which restricts access to stored information via a device interface, e.g., read/write interface on the smart card.

While the Joao patent publication mentions cards in paragraphs [0374 and 0375], it is in the context of the card being used as an identification device or simple information store. There is no mention of the card being responsible for implementing security or

restricting access via a card interface to the information stored on the card.

This is very clear from paragraph [0376] which indicates that any of various devices can read and access the information stored on the card, e.g., without any mention of the card restricting access to the stored information.

Paragraph [0376] states:

[0376] Each of the central processing computer(s) 10, the providers communication devices 20, the payer communication devices 30, the patient communication devices 40, and/or the intermediate communication devices 50, as well as any other computer and/or communication device, **can include suitable devices for reading, scanning, and/or obtaining information which may be stored on the identification card. In this manner, access to the present invention, and the respective use thereof, can be facilitated by the above-described identification card(s).** (bold added)

In view of the above amendments and remarks, it is respectfully submitted that none of the pending claims, as amended, are anticipated nor rendered obvious by the applied reference.

For example, representative claim 1 is patentable because the applied reference does not disclose or render obvious the combination of features indicated in bold below.

**A portable device** comprising:  
a memory including stored information corresponding to a plurality of individuals who form a group, the memory including:  
a plurality of data sets, said plurality of data sets including:

- i) a plurality of individual member information data sets, each individual member data set corresponding to a different individual member in said group and including at least one of medical information, nutritional information, insurance information, financial information and appointment information specific to the individual group member;
- ii) a group data set, the group data set including information corresponding to a plurality of members of said group, at least some information in said group data set being aggregated from multiple group member information data sets, said group data set including aggregated information corresponding to at least one of medical information, nutritional information, insurance information, financial information and appointment information; and
- iii) access control information, said access control information including information being used to limit the amount of access different entities are provided to the content of said plurality of data sets, the amount of access provided by said access control information depending on at least one of the identity of an entity and a type of service to be provided by an entity;
  - a device interface for providing an external device access to information stored in said memory; and
  - a security module for limiting access to the stored information via said device interface in accordance with the access control information included in said memory.

The remaining pending claims are patentable for the same or similar reasons that claim 1 is patentable.

For example, the method claims which include independent method claim 17 which is directed to a method of operating a portable device are allowable

for the same or similar reasons that claim 1 is allowable. In addition, independent device claim 33 and the claims which depend therefrom are also allowable for the same or similar reasons that claim 1 is allowable.

### III. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance. Accordingly, it is requested that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is requested to call (732-542-9070) and schedule an interview with Applicant's undersigned representative. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,



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July 7, 2008

Date